

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

MARCH 6, 2007

Meeting was commenced at 7:00 p.m.

PRESENT:

Council Members: Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Planning Manager Jim McNulty; Planner Mike Wilson; Assistant CAO Scott Bond; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

ABSENT/EXCUSED:

Mayor Tom Dolan [Washington D.C.]

Councilman Scott Cowdell [Knee Surgery]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

Boy Scout Taylor Park of Troop #482 offered the Prayer, and **Boy Scout Adam Tanner**, also of Troop #482, led the Pledge.

2. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

COUNCIL ITEMS:

3. **Further Consideration/Decision Land Use Non Depository Institutions**

Discussion: Community Development Director Mike Coulam reported that Staff has researched at great length how other communities have regulated check-cashing businesses. The Planning Commission forwarded a recommendation to the City Council to adopt an ordinance to establish regulations to govern check-cashing businesses. Within Salt Lake County, a number of municipalities are regulating the location and number of these types of businesses allowed within their cities. [West Valley City, Taylorsville, South Jordan, South Salt Lake, and West Jordan]. Other municipalities, including Salt Lake County and Salt Lake City, are considering code amendments, which would regulate the land use of this particular industry.

If the proposed code amendment is approved by the City Council, a new category for check cashing and payday loan institutions entitled Non-Depository Institutions will be added to the Commercial Land Use Matrix as a conditional use in some zones and as a not permitted use in others. This code amendment would make this use not permitted in any of the residential zoning districts.

Back on February 20, 2007, the City Council held a public hearing [public hearing was closed on February 20, 2007] on Non-Depository Institutions. At that hearing, the City Council requested that staff provide further information relative to Non-Depository Institutions. Specifically, additional information relative to population (demographic criteria), minimum square footage standards, and crime statistics associated with these business types.

Staff conducted a survey of several non-depository institutions to obtain the requested information from the industry. The survey asked questions regarding demographic information that these businesses were seeking. Specific information regarding the range of demographic area, minimum population of that area, average household income, etc. The survey also included

questions concerning the minimum and maximum space required for their stores, the preferred location of their facilities (strip mall, free standing, downtown, etc.), and whether they had plans to expand in Utah and Sandy City. The survey was sent out to over 25 companies (including the 10 that are located in Sandy) and only five replied. Of those five, only one completely filled out the survey, while the other 3 only answered select questions, and one who felt it was unnecessary to complete the survey because they had no plans of locating in Sandy City.

Since little useful information was obtained from the surveys, Staff made a request with the International Council of Shopping Centers (ICSC) to query their databases in order to obtain the desired information. However, this information was unavailable at the time of the Council meeting.

Staff researched the current non-depository businesses in Sandy to determine the square footage of each of these locations. The size of each location was an approximate measure obtained from the tenants themselves, (survey data) and from the building permit data.

Police Chief Stephen Chapman presented and reviewed a series of graphs representing percentages, based on a six-month period, of calls, cases, and offenses that occurred near payday loan companies in Sandy. He reported that two of these businesses are located in an area that has one of the highest crime rates in the City, and their statistics are based on crimes reported for that area. He stated that the Police Department has not seen an inordinate number of service calls to these businesses or an increase in the crime rate in the City. [Ref: Exhibit "A"]

Mike Wilcox stated that Staff did not feel comfortable with the Council's recommendation of regulating these businesses based on a minimum square footage requirement, and was hopeful the Council would reconsider their recommendation. With the population ratio of 1 per 10,000 population, and the population of County islands, it would allow one more of these institutions to locate within the city, which would give the City a total of eleven payday loan institutions.

Steve Fairbanks asked if similar restrictions have been placed on other businesses in the City, and if the Planning Staff has classified this industry in the same category as pawnshops and bars.

Mike Wilcox reported that distance requirements are placed on pawnshops and bars.

Mike Coulam stated that it was not the intent of Planning Staff to classify the payday loan industry in the same category as pawnshops and bars.

Bryant Anderson asked if Staff had conducted a survey on how businesses feel being located adjacent to check cashing businesses.

Mike Wilcox stated that surveys were sent out to the payday loan centers only.

Steve Fairbanks expressed concern that cities may be punishing these institutions based on stories and perceptions. He stated that there is an obvious need for this service, and that the Council should not implement regulations at this time, rather wait and see how the industry plays out.

Steve Smith stated that the Payday National Association has implemented an advertising campaign to help improve the image of check cashing institutions. Mr. Smith stated that he did not believe that the proposed regulations were too strict since there are already a fair number of these institutions already located in the city. He believes if the Council does not adopt an ordinance regulating these businesses, there will continue to be an influx of them into the city. He indicated that he was aware that grocery stores charge a higher service fee for check cashing services than the 1% or \$1.00 minimum fee proposed in the ordinance.

Mike Wilcox stated that the service fee charges were based on State regulations.

Steve Smith stated that he did not believe that population totals from county islands should be included since the City is not certain that any of these islands will annex into the city. He also requested that an amendment be added to the ordinance that would restrict check-cashing

businesses from locating within one mile of each other whether within or without the City's boundaries.

Phil Glenn asked the Council if they would like all populations within county peninsulas to be included in the population total.

Steve Smith stated that he would prefer that population totals only include complete county islands.

Chris McCandless stated that Sandy would continue to attract these businesses if some restrictions are not implemented. He did not agree with the proposed minimum square footage requirements or restricting the use of neon signs for this business type. He believes that those types of requirements should be the same for all businesses in the City. He felt that a compromise could be reached on the population requirements by lowering the numbers to 1 in 8500 population. He also felt that the one-mile minimum distance from any similar payday institution located inside and outside city boundaries should be implemented.

Bryant Anderson stated that he also believes that the number and location of these businesses needs to be managed.

Dennis Tenney asked Mr. Coulam if restrictions on neon signage had been placed on other businesses in the city.

Mr. Coulam stated "no". However, there are limits on the amount of signage that can be placed on a building.

Dennis Tenney stated that he would support Staff's recommendation of the 1per10, 000 population, and to include county islands as part of the population estimates, which would allow one more institution in the City. He supports Staff and Planning Commissions' recommendations to limit neon signage.

Linda Martinez Saville stated that she was sympathetic to people who have to use this service. However, paying the debt back is when it becomes a hardship.

Scott Cowdell expressed concern over the restrictions being placed on the payday loan industry. He stated that he would support the 1 business per 10,000 populations as long as it does not include the County peninsulas and islands. He did not believe that the population ratio should be manipulated to allow more of these institutions in the city. He stated that he was concerned that some of these establishments had floor to ceiling security which presents a "red flag" to him that employees are fearful of the clientele that use this service.

Motion: **Steve Smith** made the motion to have documents bought back adopting the Code Amendment: Non Depository Institutions with the zoning changes and definitions proposed by Staff and the Planning Commission with the following amendments to Exhibit "D":
#1 of Exhibit "D" to read: shall not be located within 5,280 feet (one mile) of the same type of use *whether inside or outside the Sandy City geographical boundaries*
#2 of Exhibit "D" the following language shall be stricken [*shall only be allowed to locate within multi-tenant building. A stand-alone business will not be permitted.*]
#d. of Exhibit "D" to be rewritten to read: *The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.*
4. Of Exhibit "D" – to remove the following language: *In addition to these guidelines, the following will also be required.*
#4a. Of Exhibit "D" that the following language also be stricken from the Exhibit [*The use of neon signage within the window or door area shall be prohibited*
Item #5 [separate from Exhibit "D"] to limit the number of check cashing institutions within in the City to eleven [11] .

Second: Chris McCandless

Question on the Motion:

Steve Fairbanks felt that the check cashing industry should not be required to adhere to lighting requirements that are different from other businesses in the city.

Dennis Tenney stated that he would be okay in allowing neon lighting inside of a check cashing facility.

Jim McNulty indicated that the intent of Planning Staff is to limit the use of neon lighting where possible.

Steve Fairbanks recommended that the neon lighting be exclusive to building signage.

Amendment to the Motion: **Steve Smith** amended the motion to include the following language to Exhibit "D", Item 3d: *the use of neon lighting shall be prohibited on the building exterior exclusive of building signage.*

Dennis Tenney expressed concern over implementing a one-mile distance requirement since Sandy does not have control over the borders of surrounding communities.

Steve Smith stated that existing check cashing facilities would be grand fathered into the ordinance.

Substitute Motion: **Scott Cowdell** made a substitute motion to adopt the Code Amendment: Non Depository Institutions with the zoning changes and definitions proposed by Staff and the Planning Commission; and to exclude County islands as part of the 1 in 10,000 population ratio.

Second: Linda Martinez Saville

Question on the Motion:

Steve Smith indicated that he also had considered excluding county islands from the population ratio, however, he believes limiting these institutions within a one mile distance ratio would accomplish the same purpose.

Scott Cowdell stated that he felt the one-mile distance requirement would allow for more of these institutions to locate in the city. He felt if the County islands were excluded, no further check cashing institutions would be allowed in the city.

Chris McCandless expressed concern with excluding county islands since many of the people who live in these islands patronize Sandy businesses.

Dennis Tenney stated that he agreed with Mr. McCandless's comments, and to support the recommendations by Staff including the population of county islands. This would only allow one more of these institutions in the City.

Scott Cowdell stated that in his tenure as a City Councilman, he could not recall where a business has had both population and distance restrictions placed on them.

Vote on Substitute Motion: Cowdell- Yes, Saville –Yes, Anderson- No, McCandless –No, Fairbanks –No, Smith- No, Tenney- No.
Motion Fails – 2 in favor – 5 opposed

Vote on Original Motion: Smith – Yes, McCandless- Yes, Fairbanks- No, Cowdell- No, Anderson- Yes, Saville- No, Tenney- Yes

Motion Approved: 4 in favor – 3 opposed

4. Code Amendment: Maximum Building Heights – Regional Commercial

Ordinance #07-08 – amending Sections 15-04-02 (A), Table of Maximum Building Heights, and

15-04-03 (B), Standards Unique to the "Regional Commercial District".

Motion: **Steve Fairbanks** made the motion to adopt **Ordinance #07-08**, amending Sections 15-04-02 (A), Table of Maximum Building Heights, and 15-04-03 (B). Standards Unique to the "Regional Commercial District".

Second: **Chris McCandless**

Vote: **Fairbanks – Yes, McCandless- Yes Anderson- Yes, Smith – Yes, Cowdell – Absent, Saville- Yes, Tenney – Yes**

Motion Approved:

5.. Kuhre Plaza

Ordinance #07-10 – to rezone approximately .47 acres of property located at approximately 179 East Main Street, from the HBD "Historic Business District" and the R-1-7.5 (HS) "Residential District" to the MU "Mixed Use District".

Motion: **Steve Smith** made the motion to adopt Ordinance #07-10, rezoning approximately .47 acres of property located at approximately 179 East Main Street, from the HBD "Historic Business District" and the R-1-7.5 (HS) "Residential District" to the MU "Mixed Use District"

Second: **Bryant Anderson**

Vote: **Smith – Yes, Anderson – Yes, McCandless- Yes, Cowdell – Absent, Saville- Yes, Fairbanks- Yes, Tenney – Yes**

Motion Approved: 6 in favor – 1 absent

6. Code Amendment: Guarantee for Improvements (Bonding)

Ordinance #07-09 – amending Title 15 of the revised ordinances of Sandy City (The Land Development Code) by amending Section 15-09-11 & 15-09-21, "Subdivision Ordinance", and Section 15-13-17, "Guarantee for Improvements (Bonding)".

Motion: **Chris McCandless** made the motion to adopt **Ordinance #07-09**, amending Title 15 of the revised ordinances of Sandy City (The Land Development Code) by amending Section 15-09-11 & 15-09-21, "Subdivision Ordinance", and Section 15-13-17, "Guarantee for Improvements (Bonding)."

Second: **Steve Fairbanks**

Vote: **McCandless- Yes, Fairbanks – Yes, Anderson- Yes, Cowdell – Absent, Smith – Yes, Saville- Yes, Tenney – Yes**

Motion Approved: 6 in favor – 1 absent

7. Canceling the March 13, 2007 City Council Meeting

[National Leauge of Cities Meeting]

Resolution #07-11 C – canceling the March 13, 2007 City Council Meeting.

Motion: **Steve Fairbanks** made the motion to adopt **Resolution #07-11 C**, canceling the March 13, 2007 City Council Meeting.

Second: **Chris McCandless**

Vote: **Fairbanks- Yes, McCandless- Yes, Cowdell- Absent, Anderson – Yes, Smith – No, Saville- No, Tenney- Yes,**

Motion Approved: 4 in favor – 2 opposed – 1 absent

8. MAYOR'S REPORT

a. **No report was given.**

9. CAO'S REPORT

a. **Byron Jorgenson presented copies of the weekly Departmental Briefs to the Council**

b. **Dennis Tenney asked Rick Smith to contact UDOT to pursue options of installing a flashing red light at the 3-way intersection near 94th South and Monroe Street.**

10. COUNCIL OFFICE DIRECTOR'S REPORT

- a. **Phil Glenn** informed the Council that Wendy Densley, who currently works for Economic Development, has accepted the position as the new Council Executive Secretary.
- b. **Mr. Glenn** presented copies of the updated monthly calendar, reminding the Council of a Horse Committee Meeting scheduled for Wednesday morning at 9:30 a.m. **Steve Smith** informed the Council that he would be attending the meeting in Mr. Tenney's stead.
- c. **Mr. Glenn** reported that the Alta Canyon Quadrant meeting has been scheduled for April 10th at the Alta Canyon Recreation Center. An advertisement will be placed in the City newsletter.
- d. **Mr. Glenn** reported that residents residing near 13th East and Waters Lane have expressed concern regarding why the protected left turn signal [southbound] is no longer functioning at that intersection.

Rick Smith stated that he would contact UDOT to determine if the signal light can be reinstated at this intersection.

- e. **Mr. Glenn** reported that a constituent informed Staff of an inconsistency in the City's ordinance regarding vaccinations for cats. The ordinance states that pet owners must have cats vaccinated every two years. However, according to this individual's veterinarian, there are only one and three year rabies vaccines available. Mr. Glenn said the resident suggested that the Council might want to revisit the ordinance to make it consistent with the time limits for cat vaccinations.

11. OTHER COUNCIL BUSINESS

- a. **Linda Martinez Saville** informed the Council that an article on the Salt Lake Boys and Girls Club was printed in the Nations Weekly Newspaper. She noted that it was a very worthwhile article and encouraged the Council to read it.
- b. **Bryant Anderson** reported on a map he received at the Council of Governments meeting which displayed the numbers and areas, by zip code, of the drug cases that were treated throughout the valley. Mr. Glenn indicated that he would make copies for the Council.

At approximately **8:20 p.m.**, **Chris McCandless** made a motion to adjourn Council Meeting, motion seconded by **Steve Fairbanks**.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Dennis B. Tenney
Council Chairman

Pam Lehman
Council Office Manager